

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL NO. 04-10060-RCL
GEORGE SCHUSSEL,)	
Defendant)	

**GOVERNMENT’S MOTION TO EXTEND TIME
TO RESPOND TO DEFENDANT’S POST-TRIAL MOTION**

The government hereby moves pursuant to Local Rule 7.1(B)(2) to extend the time within which to respond to defendant’s post-trial motion, namely “Defendant George Schussel’s Motion for Judgment of Acquittal, or in the Alternative, a New Trial.” For reasons stated below, the government is seeking that the Court extend the deadline to respond to the defendant’s motion to March 9, 2007, and to schedule oral argument for a date during the week of March 12, 2007.

In support of this motion, the government states the following:

1. On January 25, 2007, a jury returned guilty verdicts on all counts in this case.
2. On February 1, 2007, the defendant filed a post-trial motion for acquittal, or in the alternative, a new trial, and incorporated therein, a previous motion for judgment of acquittal filed on January 23, 2007.
3. The motions raise numerous legal and factual issues, and rely extensively on the testimony and exhibits admitted at trial. Responding to the motion will require a thorough review of the record, as well as extensive research.
4. Both Assistant U.S. Attorneys Carmen M. Ortiz and Jack W. Pirrozzolo have litigation obligations and other personal commitments which make it extremely difficult to respond to this motion this month.

5. Specifically, Ms. Ortiz has two sentencing hearings this month that are seriously contested, requiring time to research and address legal issues raised. The sentencing hearings are in the following cases: United States v. Joseph Garvey, sentencing on February 21 (Crim. No. 06-10120); and United States v. Jeff Allen Cantwell, sentencing on February 28 (Crim. No. 06-10164). Additionally, Ms. Ortiz has an opposition due to a motion to suppress evidence and statements on February 16, 2007 in the case of United States v. Jason Depina (Crim. No. 06-10337). Mr. Depina is in custody and a long continuance was granted previously in that matter because Ms. Ortiz was on trial in defendant Schussel's case. Finally, Ms. Ortiz, had previously scheduled a short vacation some time ago, and will be out of state from February 9 through 12, 2007.

6. Mr. Pirozzolo is presently preparing for a trial which starts on February 20, 2007 in United States v. Raymond Scott, Crim. No. 05-10275. Mr. Pirozzolo believes he will be on trial through the last week of this month.

7. Undersigned counsel has contacted defendant's attorney, Martin Weinberg, who assents to this motion, but opposes a continuance beyond February 26, 2007 on the basis that the defendant is seeking an early oral argument date to address the merits of the filed motion and the reserved Rule 29 motions filed prior to the verdict.

8. Given the numerous complex issues raised in defendant's motions and the Assistant U.S. Assistant Attorneys' current litigation schedules, the government needs the time requested in order to respond appropriately. There is no reason to believe that the defendant's interests would be prejudiced by such an extension. His sentencing is scheduled for May 29, 2007, three months from now. The extension would not in any way interfere with his defense team's ability to prepare for sentencing.

WHEREFORE, the government requests that the Court extend the deadline to respond to the deadline to respond to the defendant's post-trial motion to March 9, 2007 and to schedule oral argument for a date the week of March 12, 2007.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

/s/ Carmen M. Ortiz
Carmen M. Ortiz
Jack W. Pirozzolo
Assistant U.S. Attorneys

Date: February 8, 2007

CERTIFICATE OF SERVICE

I, Carmen M. Ortiz, hereby certify that on February 8, 2007 I served a copy of the foregoing by electronic filing on counsel for the defendant.

/s/ Carmen M. Ortiz
Carmen M. Ortiz
Assistant United States Attorney